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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF OREGON  
PORTLAND DIVISION

IDYLWILDE, INC., an Oregon corporation,  
and ZACH MERTENS, an Oregon resident,

Plaintiffs,

v.

UMPQUA FEATHER MERCHANTS, LLC, a  
Colorado corporation; MIRABEL, INC., a  
Philippines corporation; BIEN TAN, a  
Philippines resident; and DOES 1 through 10,  
Inclusive,

Defendants.

**Case No. 3:13-cv-2009-HZ**

**PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

**ORAL ARGUMENT REQUESTED**

Pursuant to Fed. R. Civ. P. 65 and L.R. 65 and 15 U.S.C. § 1116 and ORS 646.463,  
Plaintiffs hereby move the Court to issue a Temporary Restraining Order and Preliminary  
Injunction prohibiting Defendants and all of Defendants' agents, employees, representatives,  
attorneys, and all other persons acting in privity or concert with Defendants, and their parents,  
subsidiaries, divisions, successors, and assigns from:

- (1) Advertising, promoting, marketing, offering for sale, selling or otherwise disposing of the products listed in the “Thrilla from Manila” program and that appear on the “Umpqua Idyl ’14” electronic order form;
- (2) Directly or indirectly infringing or diluting (1) Idylwilde’s trade dress in the overall appearance of each of Idylwilde’s signature, custom, and Idyl proprietary flies, (2) trade dress in the overall appearance of its packaging, (3) its trademarks in the name of and item codes for each of Idylwilde’s signature, custom, and Idyl proprietary flies and (4) the Idylwilde trade name;
- (3) Using a trade dress confusingly similar to infringe or dilute (1) Idylwilde’s trade dress in the overall appearance of each of Idylwilde’s signature, custom, and Idyl proprietary flies, (2) Idylwilde’s trade dress in the overall appearance of its packaging, (3) its trademarks in the name of and item codes for each of Idylwilde’s signature, custom, and Idyl proprietary flies and (4) the Idylwilde trade name or making any designations of origin or representation that Idylwilde is the source of Defendants’ imitating fly products, that Idylwilde has sponsored Defendants’ imitating fly products, that Defendants’ products are in some manner affiliated with Idylwilde, or that Defendants’ imitating fly products are the same as Idylwilde’s fly products;
- (4) Otherwise deceptively or unfairly competing with Idylwilde and the joint venture in the sale of fly products for the fly fishing industry;
- (5) Committing any other unfair business practices directed toward obtaining for themselves the business and customers of Idylwilde or devaluing or diminishing the brand or business of Idylwilde; and
- (6) Directly or indirectly using, conveying, or disclosing Idylwilde’s and the joint venture’s trade secrets including its pricing, suppliers lists and vendors lists, customer lists and data, sales history, fly patterns and recipes, methods, techniques, and procedures for manufacturing flies, uniquely created equipment, and assembled workforce in the Philippines for purposes other than to further Idylwilde’s or the joint venture’s business.

This motion is based on the Memorandum of Law submitted herewith, and the supporting declarations and exhibits of Zach Mertens, Michael Lum, Hogan Brown, Dick Greene, Kevin Price, Eric Ishiwata, Kelly Paxton, and Scott Alderman and such other written or oral argument as may be presented at or before the time this motion is taken under submission by the Court.

Pursuant to Fed. R. Civ. P. 65(b), Plaintiffs’ counsel mailed by next day air copies of all pleadings and supporting documents to Defendant Umpqua’s registered agent, emailed and

mailed by next day air copies to Defendant Umpqua's designated attorney, emailed and mailed by next day air copies to Defendant Tan, and emailed and mailed copies by next day air to Defendants Tan and Mirabel's last known attorney before filing this motion. A proposed Order is attached.

Dated: November 14, 2013

THE HEEKIN LAW FIRM

By: s/ Katherine R. Heekin  
Katherine R. Heekin, OSB # 944802  
Attorney for Plaintiffs